



Environmental Fact Sheet

PROPOSED "NO MIGRATION" VARIANCES TO THE LAND DISPOSAL RESTRICTIONS OF HAZARDOUS WASTES

Background

The 1984 amendments to the Resource Conservation and Recovery Act (RCRA) established a phased prohibition against the continued land disposal of untreated hazardous waste - the Land Disposal Restrictions Program. This prohibition became effective for different categories of wastes from November 1986 to May 1990.

RCRA authorizes the Environmental Protection Agency (EPA) to grant a variance from the land disposal restrictions to allow land disposal of untreated hazardous waste in certain circumstances. In order for EPA to grant a "no migration" variance, an owner or operator of a facility must successfully demonstrate that the hazardous constituents of an untreated hazardous waste will not migrate from the disposal unit or injection zone for as long as the waste remains hazardous.

To date, EPA has promulgated procedural requirements for petitioning EPA for a variance, and for complying with a variance once granted. EPA has also promulgated criteria for granting no migration variances to underground injection wells.

Action

EPA is now proposing a comprehensive, substantive, and procedural framework for no migration petitions. This rule will apply to all types of land disposal units (other than underground injection wells), including landfills, surface impoundments, waste piles, land treatment units, salt dome formations, salt bed formations, underground mines, caves, vaults, and bunkers.



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